

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PATRICIA VANWINKLE, an Individual;

Plaintiff,

vs.

AMC ENTERTAINMENT HOLDINGS,
INC., AMERICAN MULTI-CINEMA, INC.,
and CONESTOGA REALTY, LLC,

Defendants.

7:21CV5006

ORDER

This matter is before the court upon the unopposed motion for extension of time to submit a Rule 26(f) Meeting Report. The motion contains notice of the death of Plaintiff Patricia Van Winkle. (Filing No. 10). In accordance with Fed. R. Civ. P. 25(a)(1), decedent's successor or representative, or any party, must move for substitution of the deceased party within 90 days after the suggestion of death is filed. The notice of death was filed on October 5, 2021. Upon the suggestion of Plaintiff's death (Filing No. 10),

IT IS ORDERED:

- 1) This case is stayed until January 3, 2022, pending a determination of whether the decedent's claims will be revived and further litigated by Plaintiff's estate.
- 2) On or before January 3, 2022, Plaintiff's counsel shall either: 1) move to voluntarily dismiss this case; 2) file a motion to substitute Plaintiff's estate or personal representative as the named Plaintiff in this action; or, 3) file a report advising the court as to whether Plaintiff's estate intends to further litigate this action and the current status of any court proceedings (state or bankruptcy) underway that may impact the progression of this case.

- 3) Absent timely compliance with this order, the claims filed by decedent may be subject to dismissal pursuant to Fed. R. Civ. P. 25(a)(1).
- 4) The clerk shall set a case management deadline of January 3, 2022 to confirm compliance with this order.

Dated this 5th day of October, 2021.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge